

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-18 remain pending. Claims 1, 8, 9 and 12 are independent.

In this Amendment, claims 1 and 9 are amended to enhance consistencies with the specification. *See e.g., Disclosure as originally submitted, p.4, l.25 – p.5, l.5.* Also, claims 2-5, 9 and 12 are amended merely to address informal clerical issues. Scopes of the claims are not altered by the amendments.

**A. ALLOWABLE SUBJECT MATTER**

Applicant appreciates that claim 8 is indicated to be allowable. Applicant assumes that claim 18 is also allowable at least by virtue of its dependency from claim 8. Applicant also appreciates that claim 3 is indicated to define allowable subject matter.

**B. § 103 REJECTION – SCHWARZ, LUCIDARME**

Claims 1, 2, 4-7 and 9-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schwarz et al. (U.S. Publication No. 2007/0264994, *hereinafter Schwarz*) in view of Lucidarme (U.S. Patent No. 7,123,910, *hereinafter Lucidarme*).<sup>1</sup> Applicant respectfully traverses.

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<sup>1</sup> Page 2 of the Office Action indicates that claim 18 is rejected, but no comments are provided. Moreover, claim 18 depends from claim 8 indicated to be allowable. Therefore, claim 18 is assumed to be allowable.

Contrary to the allegation made in the Office Action, the combination Schwarz and Lucidarme does not teach or suggest all claimed features of the rejected claims. For example, independent claim 1 recites, in part "a network unit configured to control a user equipment, the network unit providing means for including an information element within a communication message to said user equipments to indicate the availability status of at least a range of services that are provided by said first communication network."

It is admitted in the Office Action that Schwarz does not teach or suggest this feature. But contrary to the allegation made, Lucidarme does not correct this deficiency. In particular, Lucidarme does not teach or suggest "range of services" as alleged in the Office Action.

Lucidarme is directed toward providing systems, apparatus and methods to allow a change of radio access technology (RAT) even between uncoordinated radio access networks. As Lucidarme notes, handovers of a mobile terminal between two systems operating in different radio access technologies (RAT), e.g., UMTS and GSM, require close co-operation between the two systems. Each system is subject to change, such as changing cell sizes, cell frequency allocations, number of cells. This information is communicated from one system to another via the Operation & Maintenance System (OMS). Two systems in which system information is exchanged between the relevant OMS are referred to as "coordinated systems". Lucidarme also notes that such level of co-ordination becomes increasingly difficult to implement as the number of

alternative systems increases. Lucidarme addresses this issue by allowing handovers between uncoordinated systems. *See e.g., c.3, ll.29-31.*

In the Office Action, c.8, ll.10-64 of Lucidarme is mistakenly relied upon to allege that the "range of services" feature is shown. The relied upon portion describes a handover of a mobile terminal 10 from a UMTS network 20 to another network 30 (HIPERLAN), 40 (Bluetooth) or 44 (LAN). *See e.g. Fig. 6.* The process begins when the mobile terminal 10 makes a service request to the UMTS network 20, e.g., for a certain Quality of Service requirement. The request, which may be sent with a Radio Resource Control (RRC) connection request, is received by the RNC 22. The RNC 22 examines the request to see if it involves a packet switched service to be routed via the SGSN 74 or a circuit switched service to be routed via the MSC 78. In the case of a packet switched service, the RNC 22 requests a radio resource from the SGSN 74, i.e., makes a request for a Radio Access Bearer (RAB). *See e.g. c.8, ll.10-44.*

To assess an optimized access network for this service, the RNC 22 requires measurement information from the mobile terminal 10. The measurement report includes measurement values of radio networks which are in receiving range of the mobile terminal 10. The mobile terminal 10 scans to detect and measure available radio sources and reports the results to the RNC 22. *See e.g. c.8, ll.45-64.*

When the RNC 22 has received the service request, the measurement report and the RAB assignment from the SGSN 74, it decides which service is

best suited to provide the service with the required QoS including whether or not the service would be better provided by another network, in which case the RNC 22 initiates a handover. The RNC 22 then sends a message instructing the SGSN 74 that a RAB relocation to another network is required, and also instructs the mobile terminal 10 to which network the mobile terminal 10 will be handed over. The mobile terminal 10 then synchronizes with the new network. *See e.g. c.10, ll.10-44.*

In Lucidarme, the RNC 22 merely instructs the mobile terminal to provide it with measurement reports of signals other networks, and informs the mobile terminal whether a handover should be performed in the event that the requested service is determined to be better handled by a different network. Nothing in Lucidarme even remotely suggests that the RNC 22 provides availability information on “a range of services” as claimed. This directly contradicts the allegation made in the Office Action.

Since both Schwarz and Lucidarme do not teach or suggest the above-recited feature, the combination of Schwarz and Lucidarme also fails. This is sufficient to distinguish claim 1 from Schwarz and Lucidarme. For similar reasons, independent claim 9 is also distinguishable over Schwarz and Lucidarme.

Independent claim 12 recites, in part “the wireless terminal using the availability information to perform a switch to request or receive the service from a second communications network rather than from the first

communication network when the availability information from the first communications network indicates that the service is not available from the first communications network.” In other words, it is the wireless terminal that determines the temporary unavailability, and performs a switch to request or receive the service from the second communication network.

It is admitted in the Office Action that Schwarz does not teach or suggest this feature. Contrary to the allegation made, Lucidarme does not correct this deficiency. As demonstrated above regarding Lucidarme, it is the RNC 22 that decides whether or not the requested service from the mobile terminal 10 would be better provided by another network, in which case the RNC 22 initiates the handover. It is seen that Lucidarme suffers from the same deficiency as Schwarz. As such, claim 12 is distinguishable over the combination of Schwarz and Lucidarme.

By virtue of their dependencies from independent claims 1, 9 and 12 as well as on their own merits, claims 2, 4-7, 10-11 and 13-17 are distinguishable over Schwarz and Lucidarme.

Applicant respectfully request that the rejection of claims based on Schwarz and Lucidarme be withdrawn.

### **C. CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in

condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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